

# SENATE MOTION

**MADAM PRESIDENT:**

**I move** that Engrossed House Bill 1568 be amended to read as follows:

- 1       Page 1, delete lines 1 through 15, begin a new paragraph and insert:  
2       "SECTION 1. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE  
3       AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
4       JULY 1, 2007]:  
5       **Chapter 1.5. County Assessor Performs Township Assessor**  
6       **Duties**  
7       **Sec. 1. This chapter applies only to a county having a**  
8       **consolidated city.**  
9       **Sec. 2. As used in this chapter "consolidating township" means**  
10      **a township for which an ordinance is adopted under IC 36-3-1-6.1**  
11      **after November 1, 2007.**  
12      **Sec. 3. After December 31, 2009, the county assessor has the**  
13      **same duties and responsibilities for a consolidating township, that**  
14      **the township assessor has for a township that is not a consolidating**  
15      **township.**  
16      SECTION 2. IC 6-1.1-3-17 IS AMENDED TO READ AS  
17      FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. (a) **This subsection**  
18      **applies before January 1, 2010.** On or before June 1 of each year,  
19      each township assessor of a county shall deliver to the county assessor  
20      a list which states by taxing district the total of the personal property  
21      assessments as shown on the personal property returns filed with the  
22      assessor on or before the filing date of that year and in a county with a  
23      township assessor under IC 36-6-5-1 in every township the township  
24      assessor shall deliver the lists to the county auditor as prescribed in  
25      subsection ~~(b)~~: (c).  
26      **(b) This subsection applies after December 31, 2009. On or**  
27      **before June 1 of each year, each township assessor of a township:**  
28          **(1) in a county not having a consolidated city; and**  
29          **(2) each township in a county having a consolidated city for**  
30          **which an ordinance is not adopted under IC 36-3-1-6.1 after**  
31          **November 1, 2007;**

1 shall deliver to the county assessor a list that states by taxing  
 2 district the total of the personal property assessments as shown on  
 3 the personal property returns filed with the township assessor on  
 4 or before the filing date of that year. In a township described in  
 5 subdivision (2), the township assessor shall deliver the lists to the  
 6 county auditor as prescribed in subsection (c).

7 ~~(b)~~ (c) On or before July 1 of each year, each county assessor shall  
 8 certify to the county auditor the assessment value of the personal  
 9 property in every taxing district.

10 ~~(c)~~ (d) The department of local government finance shall prescribe  
 11 the forms required by this section.

12 SECTION 3. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005,  
 13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 14 JULY 1, 2007]: Sec. 13.8. (a) As used in this section, "commission"  
 15 refers to a county land valuation commission established under  
 16 subsection (b).

17 (b) Subject to subsection (1), a county land valuation commission is  
 18 established in each county for the purpose of determining the value of  
 19 commercial, industrial, and residential land (including farm homesites)  
 20 in the county.

21 (c) The county assessor is chairperson of the commission.

22 (d) The following are members of the commission:

23 (1) The county assessor. The county assessor shall cast a vote  
 24 only to break a tie.

25 (2) **This subdivision does not apply after December 31, 2009,**  
 26 **to a township for which an ordinance is adopted under**  
 27 **IC 36-3-1-6.1 after November 1, 2007.** Each township assessor,  
 28 when the respective township land values for that township  
 29 assessor's township are under consideration. A township assessor  
 30 serving under this subdivision shall vote on all matters relating to  
 31 the land values of that township assessor's township.

32 (3) **This subdivision does not apply after December 31, 2009,**  
 33 **to a township for which an ordinance is adopted under**  
 34 **IC 36-3-1-6.1 after November 1, 2007.** One (1) township  
 35 assessor from the county to be appointed by a majority vote of all  
 36 the township assessors in the county.

37 (4) One (1) county resident who:

38 (A) holds a license under IC 25-34.1-3 as a salesperson or  
 39 broker; and

40 (B) is appointed by:

41 (i) the board of commissioners (as defined in IC 36-3-3-10)  
 42 for a county having a consolidated city; or

43 (ii) the county executive (as defined in IC 36-1-2-5) for a  
 44 county not described in item (i).

45 (5) Four (4) individuals who:

46 (A) are appointed by the county executive (as defined in  
 47 IC 36-1-2-5); and

- 1 (B) represent one (1) of the following four (4) kinds of land in  
 2 the county:
- 3 (i) Agricultural.
  - 4 (ii) Commercial.
  - 5 (iii) Industrial.
  - 6 (iv) Residential.
- 7 Each of the four (4) kinds of land in the county must be  
 8 represented by one (1) individual appointed under this  
 9 subdivision.
- 10 (6) One (1) individual who:
- 11 (A) represents financial institutions in the county; and
  - 12 (B) is appointed by:
    - 13 (i) the board of commissioners (as defined in IC 36-3-3-10)
    - 14 for a county having a consolidated city; or
    - 15 (ii) the county executive (as defined in IC 36-1-2-5) for a
    - 16 county not described in item (i).
- 17 (e) The term of each member of the commission begins November  
 18 1 of the year that precedes by two (2) years the year in which a general  
 19 reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year  
 20 in which the general reassessment begins under IC 6-1.1-4-4. The  
 21 appointing authority may fill a vacancy for the remainder of the vacated  
 22 term.
- 23 (f) The commission shall determine the values of all classes of  
 24 commercial, industrial, and residential land (including farm homesites)  
 25 in the county using guidelines determined by the department of local  
 26 government finance. Not later than November 1 of the year preceding  
 27 the year in which a general reassessment begins, the commission  
 28 determining the values of land shall submit the values, all data  
 29 supporting the values, and all information required under rules of the  
 30 department of local government finance relating to the determination  
 31 of land values to the county property tax assessment board of appeals  
 32 and the department of local government finance. Not later than January  
 33 1 of the year in which a general reassessment begins, the county  
 34 property tax assessment board of appeals shall hold a public hearing in  
 35 the county concerning those values. The property tax assessment board  
 36 of appeals shall give notice of the hearing in accordance with IC 5-3-1  
 37 and shall hold the hearing after March 31 of the year preceding the year  
 38 in which the general reassessment begins and before January 1 of the  
 39 year in which the general reassessment under IC 6-1.1-4-4 begins.
- 40 (g) The county property tax assessment board of appeals shall  
 41 review the values, data, and information submitted under subsection (f)  
 42 and may make any modifications it considers necessary to provide  
 43 uniformity and equality. The county property tax assessment board of  
 44 appeals shall coordinate the valuation of property adjacent to the  
 45 boundaries of the county with the county property tax assessment  
 46 boards of appeals of the adjacent counties using the procedures adopted  
 47 by rule under IC 4-22-2 by the department of local government finance.

1 If the commission fails to submit land values under subsection (f) to the  
 2 county property tax assessment board of appeals before January 1 of  
 3 the year the general reassessment under IC 6-1.1-4-4 begins, the county  
 4 property tax assessment board of appeals shall determine the values.

5 (h) The county property tax assessment board of appeals shall give  
 6 notice to the county and township assessors, **if any**, of its decision on  
 7 the values. The notice must be given before March 1 of the year the  
 8 general reassessment under IC 6-1.1-4-4 begins. Not later than twenty  
 9 (20) days after that notice, the county assessor or a township assessor  
 10 in the county, **if any**, may request that the county property tax  
 11 assessment board of appeals reconsider the values. The county property  
 12 tax assessment board of appeals shall hold a hearing on the  
 13 reconsideration in the county. The county property tax assessment  
 14 board of appeals shall give notice of the hearing under IC 5-3-1.

15 (i) Not later than twenty (20) days after notice to the county  
 16 **assessor** and **the** township assessor, **if any**, is given under subsection  
 17 (h), a taxpayer may request that the county property tax assessment  
 18 board of appeals reconsider the values. The county property tax  
 19 assessment board of appeals may hold a hearing on the reconsideration  
 20 in the county. The county property tax assessment board of appeals  
 21 shall give notice of the hearing under IC 5-3-1.

22 (j) A taxpayer may appeal the value determined under this section  
 23 as applied to the taxpayer's land as part of an appeal filed under  
 24 IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a  
 25 taxpayer that files an appeal under IC 6-1.1-15 requests the values,  
 26 data, or information received by the county property tax assessment  
 27 board of appeals under subsection (f), the county property tax  
 28 assessment board of appeals shall satisfy the request. The department  
 29 of local government finance may modify the taxpayer's land value and  
 30 the value of any other land in the township, the county where the  
 31 taxpayer's land is located, or the adjacent county if the department of  
 32 local government finance determines it is necessary to provide  
 33 uniformity and equality.

34 (k) The county assessor shall notify all township assessors, **if any**,  
 35 in the county of the values as determined by the commission and as  
 36 modified by the county property tax assessment board of appeals or  
 37 department of local government finance under this section. Township  
 38 assessors shall use the values determined under this section.

39 (l) After notice to the county assessor and all township assessors in  
 40 the county, **if any**, a majority of the assessors authorized to vote under  
 41 this subsection may vote to abolish the county land valuation  
 42 commission established under subsection (b). Each township assessor,  
 43 **if any**, and the county assessor has one (1) vote. The county assessor  
 44 shall give written notice to:

- 45 (1) each member of the county land valuation commission; and
- 46 (2) each township assessor, **if any**, in the county;
- 47 of the abolishment of the commission under this subsection.

SECTION 4. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 25. (a) Each township assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor **of a township** in a county having a consolidated city **for which an ordinance is not adopted under IC 36-3-1-6.1 after November 1, 2007, the county assessor (after December 31, 2009) for each township in a county having a consolidated city for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007,** or the county assessor in every other county, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the

1 legislative services agency.

2 SECTION 5. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005,  
3 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2007]: Sec. 14. **(a)** Not later than May 15, each assessing  
5 official shall prepare and deliver to the county assessor a detailed list  
6 of the real property listed for taxation in the township. **However, this**  
7 **subsection does not apply after December 31, 2009, to a township**  
8 **in a county having a consolidated city for which an ordinance is**  
9 **adopted under IC 36-3-1-6.1 after November 1, 2007.**

10 **(b)** On or before July 1 of each year, each county assessor shall,  
11 under oath, prepare and deliver to the county auditor a detailed list of  
12 the real property listed for taxation in the county. **After December 31,**  
13 **2009, in a county with an elected township assessor in every township,**  
14 **and in a county having a consolidated city, the township assessor of**  
15 **a township for which an ordinance is not adopted under**  
16 **IC 36-3-1-6.1 after November 1, 2007,** shall prepare the real property  
17 list. The assessing officials and the county assessor shall prepare the  
18 list in the form prescribed by the department of local government  
19 finance. The township assessor shall ensure that the county assessor  
20 has full access to the assessment records maintained by the township  
21 assessor.

22 SECTION 6. IC 6-1.1-5.5-3, AS AMENDED BY P.L.228-2005,  
23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2007]: Sec. 3. (a) For purposes of this section, "party"  
25 includes:

- 26 (1) a seller of property that is exempt under the seller's ownership;  
27 or  
28 (2) a purchaser of property that is exempt under the purchaser's  
29 ownership;  
30 from property taxes under IC 6-1.1-10.

31 (b) Before filing a conveyance document with the county auditor  
32 under IC 6-1.1-5-4, all the parties to the conveyance must complete and  
33 sign a sales disclosure form as prescribed by the department of local  
34 government finance under section 5 of this chapter. All the parties may  
35 sign one (1) form, or if all the parties do not agree on the information  
36 to be included on the completed form, each party may sign and file a  
37 separate form.

38 (c) Except as provided in subsection (d), the auditor shall forward  
39 each sales disclosure form to the county assessor. The county assessor  
40 shall retain the forms for five (5) years. The county assessor shall  
41 forward the sales disclosure form data to the department of local  
42 government finance and the legislative services agency

- 43 ~~(1) before January 1, 2005, in an electronic format, if possible;~~  
44 ~~and~~  
45 ~~(2) after December 31, 2004, in an electronic format specified~~  
46 ~~jointly by the department of local government finance and the~~  
47 ~~legislative services agency.~~

The county assessor shall forward a copy of the sales disclosure forms to the township assessors, **if any**, in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) **After December 31, 2009, this subsection only applies to the township assessor of a township for which an ordinance is not adopted under IC 36-3-1-6.1 after November 1, 2007.** In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 7. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) A party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter; and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) The township assessor in a county containing a consolidated city **for a township for which an ordinance is not adopted under IC 36-3-1-6.1 after November 1, 2007, the county assessor (after December 31, 2009) for each township in a county having a consolidated city for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007, or the county assessor in any other county shall:**

(1) determine the penalty imposed under this section;

- (2) assess the penalty to the party to a conveyance; and
- (3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 8. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 24. (a) Each year a township assessor shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of fixed property. **Except as provided in subsection (c),** the township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. ~~However, The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.~~

(c) In a county with an elected township assessor in every township, the township assessor **of a township for which an ordinance was not adopted under IC 36-3-1-6.1 after November 1, 2007,** shall certify the list to the department of local government finance. **With respect to a township for which an ordinance was adopted under IC 36-3-1-6.1 after November 1, 2007** the county assessor shall review the assessed values and shall do the following:

- (1) **Before January 1, 2010,** certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.
- (2) **After December 31, 2009, certify the list to the department of local government finance on or before April 10 of the year of assessment."**

Delete pages 2 through 8.

Page 9, delete lines 1 through 16.

Page 10, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) **After December 31, 2009, this section does not apply to a county having a consolidated city that adopts an ordinance under IC 36-3-1-6.1 after November 1, 2007.** Each



1 county shall have a county property tax assessment board of appeals  
 2 composed of individuals who are at least eighteen (18) years of age and  
 3 knowledgeable in the valuation of property. In addition to the county  
 4 assessor, only one (1) other individual who is an officer or employee of  
 5 a county or township may serve on the board of appeals in the county  
 6 in which the individual is an officer or employee. Subject to  
 7 subsections (d) and (e), the fiscal body of the county shall appoint two  
 8 (2) individuals to the board. At least one (1) of the members appointed  
 9 by the county fiscal body must be a certified level two  
 10 assessor-appraiser. Subject to subsections (d) and (e), the board of  
 11 commissioners of the county shall appoint two (2) freehold members  
 12 so that not more than three (3) of the five (5) members ~~may be~~ **are** of  
 13 the same political party and so that at least three (3) of the five (5)  
 14 members are residents of the county. At least one (1) of the members  
 15 appointed by the board of county commissioners must be a certified  
 16 level two assessor-appraiser. If the county assessor is a certified level  
 17 two assessor-appraiser, the board of county commissioners may waive  
 18 the requirement in this subsection that one (1) of the freehold members  
 19 appointed by the board of county commissioners must be a certified  
 20 level two assessor-appraiser. A person appointed to a property tax  
 21 assessment board of appeals may serve on the property tax assessment  
 22 board of appeals of another county at the same time. The members of  
 23 the board shall elect a president. The employees of the county assessor  
 24 shall provide administrative support to the property tax assessment  
 25 board of appeals. The county assessor is a voting member of the  
 26 property tax assessment board of appeals. The county assessor shall  
 27 serve as secretary of the board. The secretary shall keep full and  
 28 accurate minutes of the proceedings of the board. A majority of the  
 29 board that includes at least one (1) certified level two  
 30 assessor-appraiser constitutes a quorum for the transaction of business.  
 31 Any question properly before the board may be decided by the  
 32 agreement of a majority of the whole board.

33 (b) The county assessor, county fiscal body, and board of county  
 34 commissioners may agree to waive the requirement in subsection (a)  
 35 that not more than three (3) of the five (5) members of the county  
 36 property tax assessment board of appeals may be of the same political  
 37 party if it is necessary to waive the requirement due to the absence of  
 38 certified level two Indiana assessor-appraisers:

- 39 (1) who are willing to serve on the board; and
- 40 (2) whose political party membership status would satisfy the  
 41 requirement in subsection ~~(c)(1)~~ **(a)**.

42 (c) If the board of county commissioners is not able to identify at  
 43 least two (2) prospective freehold members of the county property tax  
 44 assessment board of appeals who are:

- 45 (1) residents of the county;
- 46 (2) certified level two Indiana assessor-appraisers; and
- 47 (3) willing to serve on the county property tax assessment board

1 of appeals;  
 2 it is not necessary that at least three (3) of the five (5) members of the  
 3 county property tax assessment board of appeals be residents of the  
 4 county.

5 (d) Except as provided in subsection (e), the term of a member of  
 6 the county property tax assessment board of appeals appointed under  
 7 subsection (a):

8 (1) is one (1) year; and

9 (2) begins January 1.

10 (e) If:

11 (1) the term of a member of the county property tax assessment  
 12 board of appeals appointed under subsection (a) expires;

13 (2) the member is not reappointed; and

14 (3) a successor is not appointed;

15 the term of the member continues until a successor is appointed.

16 SECTION 11. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2007]: **Sec. 1.5. (a) This section applies after**  
 19 **December 31, 2009, to a county having a consolidated city that**  
 20 **adopts an ordinance under IC 36-3-1-6.1 after November 1, 2007.**  
 21 **The county property tax assessment board of appeals is**  
 22 **established, composed of individuals who are at least eighteen (18)**  
 23 **years of age and knowledgeable in the valuation of property. In**  
 24 **addition to the county assessor, who serves as a nonvoting member,**  
 25 **only one (1) other individual who is an officer or employee of the**  
 26 **county may serve on the board of appeals. The fiscal body of the**  
 27 **county shall appoint two (2) individuals to the board. At least one**  
 28 **(1) of the members appointed by the county fiscal body must be a**  
 29 **certified level two Indiana assessor-appraiser. The board of**  
 30 **commissioners of the county shall appoint three (3) freehold**  
 31 **members so that not more than three (3) of the five (5) voting**  
 32 **members are of the same political party and so that at least three**  
 33 **(3) of the five (5) voting members are residents of the county. At**  
 34 **least one (1) of the members appointed by the board of county**  
 35 **commissioners must be a certified level two Indiana**  
 36 **assessor-appraiser. One (1) of the members appointed by the board**  
 37 **of county commissioners must be a representative of a**  
 38 **neighborhood or taxpayer organization located in the county. A**  
 39 **person appointed to a property tax assessment board of appeals**  
 40 **may serve on the property tax assessment board of appeals of**  
 41 **another county at the same time. The members of the board shall**  
 42 **elect a president. The employees of the county assessor shall**  
 43 **provide administrative support to the property tax assessment**  
 44 **board of appeals. The county assessor shall serve as secretary of**  
 45 **the board. The secretary shall keep full and accurate minutes of the**  
 46 **proceedings of the board. A majority of the voting members of the**  
 47 **board that includes at least one (1) certified level two Indiana**

1 **assessor-appraiser constitutes a quorum for the transaction of**  
 2 **business. Any question properly before the board may be decided**  
 3 **by the agreement of a majority of the voting members of the board.**

4 **(b) The county fiscal body and board of county commissioners**  
 5 **of the county may agree to waive the requirement in subsection (a)**  
 6 **that not more than three (3) of the five (5) members of the county**  
 7 **property tax assessment board of appeals are of the same political**  
 8 **party if it is necessary to waive the requirement due to the absence**  
 9 **of certified level two Indiana assessor-appraisers:**

10 **(1) who are willing to serve on the board; and**

11 **(2) whose political party membership status would satisfy the**  
 12 **requirement in subsection (a).**

13 **(c) If the board of county commissioners is not able to identify**  
 14 **at least two (2) prospective freehold members of the county**  
 15 **property tax assessment board of appeals who are:**

16 **(1) residents of the county;**

17 **(2) certified level two Indiana assessor-appraisers; and**

18 **(3) willing to serve on the county property tax assessment**  
 19 **board of appeals;**

20 **it is not necessary that at least three (3) of the five (5) members of**  
 21 **the county property tax assessment board of appeals be residents**  
 22 **of the county.**

23 **SECTION 12. IC 6-1.1-31.5-2, AS AMENDED BY P.L.228-2005,**  
 24 **SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**  
 25 **JULY 1, 2007]: Sec. 2. (a) Subject to ~~section 3.5(e)~~ **section 3.5(g)** of**  
 26 **this chapter, the department shall adopt rules under IC 4-22-2 to**  
 27 **prescribe computer specification standards and for the certification of:**

28 **(1) computer software;**

29 **(2) software providers;**

30 **(3) computer service providers; and**

31 **(4) computer equipment providers.**

32 **(b) The rules of the department shall provide for:**

33 **(1) the effective and efficient administration of assessment laws;**

34 **(2) the prompt updating of assessment data;**

35 **(3) the administration of information contained in the sales**  
 36 **disclosure form, as required under IC 6-1.1-5.5; and**

37 **(4) other information necessary to carry out the administration of**  
 38 **the property tax assessment laws.**

39 **(c) After December 31, 1998, subject to ~~section 3.5(e)~~ **section****  
 40 ****3.5(g)** of this chapter, a county may contract only for computer**  
 41 **software and with software providers, computer service providers, and**  
 42 **equipment providers that are certified by the department under the**  
 43 **rules described in subsection (a).**

44 **(d) The initial rules under this section must be adopted under**  
 45 **IC 4-22-2 before January 1, 1998.**

46 **SECTION 13. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005,**  
 47 **SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**

JULY 1, 2007]: Sec. 3.5. (a) Until the system described in ~~subsection (c)~~ **subsection (g)** is implemented, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

**(b) This subsection applies before January 1, 2010.** The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county except in a county with an elected township assessor in every township. In a county with an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county.

**(c) This subsection applies after December 31, 2009. In a county that does not have a consolidated city and does not have an elected township assessor in every township, the county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. In a county that does not have a consolidated city but has an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. In a county having a consolidated city, the township assessors of townships for which an ordinance was not adopted under IC 36-3-1-6.1 after November 1, 2007, shall select a computer system used by the township assessors based on a majority vote of the township assessors in the county. In a county having a consolidated city, the county assessor shall select the computer system used by the county assessor.**

~~(b)~~ **(d)** All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

~~(c)~~ **(e)** The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the

1 legislative services agency; and

2 (2) maintained in a manner that ensures prompt and accurate  
3 transfer of data to the department of local government finance and  
4 the legislative services agency.

5 ~~(d)~~ **(f)** All standardized property forms and notices on the certified  
6 computer system referred to in subsection (a) shall be maintained by  
7 the township assessor and the county assessor in an accessible location  
8 and in a format that is easily understandable for use by persons of the  
9 county.

10 ~~(e)~~ **(g)** The department shall adopt rules before July 1, 2006, for the  
11 establishment of:

12 (1) a uniform and common property tax management system  
13 among all counties that:

14 (A) includes a combined mass appraisal and county auditor  
15 system integrated with a county treasurer system; and

16 (B) replaces the computer system referred to in subsection (a);  
17 and

18 (2) a schedule for implementation of the system referred to in  
19 subdivision (1) structured to result in the implementation of the  
20 system in all counties with respect to an assessment date:

21 (A) determined by the department; and

22 (B) specified in the rule.

23 ~~(f)~~ **(h)** The department shall appoint an advisory committee to assist  
24 the department in the formulation of the rules referred to in subsection  
25 ~~(e)~~ **(g)**. The department shall determine the number of members of the  
26 committee. The committee:

27 (1) must include at least:

28 (A) one (1) township assessor;

29 (B) one (1) county assessor;

30 (C) one (1) county auditor; and

31 (D) one (1) county treasurer; and

32 (2) shall meet at times and locations determined by the  
33 department.

34 ~~(g)~~ **(i)** Each member of the committee appointed under subsection  
35 ~~(f)~~ **(h)** who is not a state employee is not entitled to the minimum salary  
36 per diem provided by IC 4-10-11-2.1(b). The member is entitled to  
37 reimbursement for traveling expenses as provided under IC 4-13-1-4  
38 and other expenses actually incurred in connection with the member's  
39 duties as provided in the state policies and procedures established by  
40 the Indiana department of administration and approved by the budget  
41 agency.

42 ~~(h)~~ **(j)** Each member of the committee appointed under subsection  
43 ~~(f)~~ **(h)** who is a state employee is entitled to reimbursement for  
44 traveling expenses as provided under IC 4-13-1-4 and other expenses  
45 actually incurred in connection with the member's duties as provided  
46 in the state policies and procedures established by the Indiana  
47 department of administration and approved by the budget agency.

1        ~~(f)~~ **(k)** The department shall report to the budget committee in  
 2        writing the department's estimate of the cost of implementation of the  
 3        system referred to in subsection ~~(e)~~: **(g)**.

4        SECTION 14. IC 6-1.5-5-5, AS AMENDED BY P.L.154-2006,  
 5        SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6        JULY 1, 2007]: Sec. 5. After the hearing, the Indiana board shall give  
 7        the petitioner, the township assessor, **if any**, the county assessor, the  
 8        county auditor, and the department of local government finance:

9            (1) notice, by mail, of its final determination, findings of fact, and  
 10          conclusions of law; and

11          (2) notice of the procedures the petitioner or the department of  
 12          local government finance must follow in order to obtain court  
 13          review of the final determination of the Indiana board.

14        The county auditor shall provide copies of the documents described in  
 15        subdivisions (1) and (2) to the taxing units entitled to notice under  
 16        section 2(e) of this chapter.

17        SECTION 15. IC 6-2.5-8-1, AS AMENDED BY P.L.111-2006,  
 18        SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19        JULY 1, 2007]: Sec. 1. (a) A retail merchant may not make a retail  
 20        transaction in Indiana, unless the retail merchant has applied for a  
 21        registered retail merchant's certificate.

22          (b) A retail merchant may obtain a registered retail merchant's  
 23          certificate by filing an application with the department and paying a  
 24          registration fee of twenty-five dollars (\$25) for each place of business  
 25          listed on the application. The retail merchant shall also provide such  
 26          security for payment of the tax as the department may require under  
 27          IC 6-2.5-6-12.

28          (c) The retail merchant shall list on the application the location  
 29          (including the township) of each place of business where the retail  
 30          merchant makes retail transactions. However, if the retail merchant  
 31          does not have a fixed place of business, the retail merchant shall list the  
 32          retail merchant's residence as the retail merchant's place of business. In  
 33          addition, a public utility may list only its principal Indiana office as its  
 34          place of business for sales of public utility commodities or service, but  
 35          the utility must also list on the application the places of business where  
 36          it makes retail transactions other than sales of public utility  
 37          commodities or service.

38          (d) Upon receiving a proper application, the correct fee, and the  
 39          security for payment, if required, the department shall issue to the retail  
 40          merchant a separate registered retail merchant's certificate for each  
 41          place of business listed on the application. Each certificate shall bear  
 42          a serial number and the location of the place of business for which it is  
 43          issued.

44          (e) If a retail merchant intends to make retail transactions during a  
 45          calendar year at a new Indiana place of business, the retail merchant  
 46          must file a supplemental application and pay the fee for that place of  
 47          business.

(f) A registered retail merchant's certificate is valid for two (2) years after the date the registered retail merchant's certificate is originally issued or renewed. If the retail merchant has filed all returns and remitted all taxes the retail merchant is currently obligated to file or remit, the department shall renew the registered retail merchant's certificate within thirty (30) days after the expiration date, at no cost to the retail merchant.

(g) The department may not renew a registered retail merchant certificate of a retail merchant who is delinquent in remitting sales or use tax. The department, at least sixty (60) days before the date on which a retail merchant's registered retail merchant's certificate expires, shall notify a retail merchant who is delinquent in remitting sales or use tax that the department will not renew the retail merchant's registered retail merchant's certificate.

(h) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

- (1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;
- (2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and
- (3) any other information that the department requests.

(i) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, the out-of-state retail merchant must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that the out-of-state retail merchant knows is intended for use in Indiana.

(j) The department shall submit to the township assessor **or, after December 31, 2009, in the case of a township for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007, the county assessor** before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township; and
- (2) the address of each place of business of the taxpayer in the township."

Delete pages 11 through 17.

- 1 Page 18, delete lines 1 through 26.  
 2 Page 18, line 29, after "January 1, 2007" insert "(RETROACTIVE)".  
 3 Page 30, delete lines 41 and 42, begin a new paragraph and insert:  
 4 "SECTION 23. IC 36-2-15-5 IS AMENDED TO READ AS  
 5 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) The county  
 6 assessor shall perform the functions assigned by statute to the county  
 7 assessor, including the following:  
 8 (1) Countywide equalization.  
 9 (2) Selection and maintenance of a countywide computer system.  
 10 (3) Certification of gross assessments to the county auditor.  
 11 (4) Discovery of omitted property.  
 12 (b) The county assessor shall perform the functions of an assessing  
 13 official under IC 36-6-5-2 in a township with a township  
 14 assessor-trustee if the township assessor-trustee:  
 15 (1) fails to make a report that is required by law;  
 16 (2) fails to deliver a property tax record to the appropriate officer  
 17 or board;  
 18 (3) fails to deliver an assessment to the county assessor; or  
 19 (4) fails to perform any other assessing duty as required by statute  
 20 or rule of the department of local government finance;  
 21 within the time period prescribed by statute or rule of the department  
 22 or within a later time that is necessitated by reason of another official  
 23 failing to perform the official's functions in a timely manner.  
 24 (c) A township with a township trustee-assessor may, with the  
 25 consent of the township board, enter into an agreement with:  
 26 (1) the county assessor; or  
 27 (2) another township assessor in the county;  
 28 to perform any of the functions of an assessing official. A township  
 29 trustee-assessor may not contract for the performance of any function  
 30 for a period of time that extends beyond the completion of the township  
 31 trustee-assessor's term of office.  
 32 **(d) The county assessor shall, after December 31, 2009, perform**  
 33 **the functions of an assessing official and other duties of an**  
 34 **assessing official prescribed by statute in each township for which**  
 35 **an ordinance is adopted under IC 36-3-1-6.1 after November 1,**  
 36 **2007, including assessment duties prescribed by IC 6-1.1.**  
 37 SECTION 24. IC 36-3-1-6.1, AS AMENDED BY P.L.1-2006,  
 38 SECTION 560, IS AMENDED TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2007]: Sec. 6.1. (a) ~~This section applies only in~~  
 40 ~~a county containing a consolidated city. If the requirements of~~  
 41 ~~subsection (g) are satisfied, The legislative body of the consolidated~~  
 42 **city may adopt an ordinance, approved by the executive of the**  
 43 **consolidated city, to do the following with respect to any township**  
 44 **for which at least a majority of the voters of a township voted**  
 45 **"yes" on the referendum question under section 6.4(a) of this**  
 46 **chapter:**  
 47 (1) ~~consolidate the~~ fire departments of the following ~~are~~



~~consolidated~~ into the fire department of a consolidated city (referred to as "the consolidated fire department"):

~~(1)~~ (A) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city. A fire department may be consolidated under this section regardless of whether the fire department is operated by the township or by another political subdivision.

~~(2)~~ (B) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision ~~(1)~~; clause (A); and

(2) transfer the duties and responsibilities of the township assessor of the township to the county assessor.

(b) The legislative body of the consolidated city may adopt an ordinance, approved by the executive of the consolidated city, to transfer the duties and responsibilities of the township assessor of a township located in a county having a consolidated city to the county assessor, if at least a majority of the voters of a township voted "yes" on the referendum question under section 6.4(b) of this chapter.

(c) The legislative body of the consolidated city may adopt an ordinance, approved by the executive of the consolidated city to consolidate the territory in which an airport authority established for the consolidated city under IC 8-22-3 may provide fire protection services, if the consolidation is approved by an ordinance adopted by the governing body of the airport authority.

(d) The legislative body of the consolidated city may not adopt an ordinance under subsection (a) unless the legislative body first:

(1) holds a public hearing on the proposed consolidation of the fire departments and the transfer of duties and responsibilities of the township assessor; and

(2) determines that:

(A) reasonable and adequate fire protection can be provided through consolidation; and

(B) the consolidation of fire departments and transfer of the duties of township assessor is in the public interest.

(e) The legislative body of the consolidated city may not adopt an ordinance under subsection (b) unless the legislative body first:

(1) holds a public hearing on the transfer of duties and responsibilities of the township assessor; and

(2) determines that transfer of the duties of township assessor is in the public interest.

~~(b)~~ (f) Except as provided in section 6.3 of this chapter, if the requirements of subsection ~~(g)~~ (a) are satisfied:

(1) the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2)

in which the requirements of subsection (g) are satisfied **the consolidated area beginning** on the date agreed to in the resolution of the township legislative body and **set forth in the ordinance of the legislative body of the consolidated city; and**

**(2) the duties and responsibilities of the township assessor are transferred to the county assessor effective January 1, 2010.**

**The ordinance may provide for a transition period between the date of the adoption of the ordinance and the effective date of the consolidation of the fire departments and may prescribe a process for the transition.**

**(g) If the requirements of subsection (b) are satisfied, the duties and responsibilities of the township assessor are transferred to the county assessor effective January 1, 2010.**

~~(c)~~ **(h)** If the requirements of subsection (g) are satisfied and the fire department ~~departments~~ of an entity ~~the entities~~ listed in subsection ~~(a)~~ **is (a)(1)** are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of ~~the each~~ department consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services established under this section and shall be used by the consolidated city for the funding of land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

~~(d)~~ **(i)** If the requirements of subsection (g) are satisfied and the fire department ~~departments~~ of an entity ~~the entities~~ listed in subsection ~~(a)~~ **is (a)(1)** are consolidated into the fire department of the consolidated city, the employees of ~~the each~~ fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection ~~(a)~~ **(a)(1)** and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees

of the consolidated fire department.

~~(e)~~ **(j)** If the requirements of subsection (g) are satisfied and the fire department departments of an entity ~~the entities~~ listed in subsection ~~(a) is~~ **(a)(1)** are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of ~~the~~ **each** entity whose fire department is consolidated into the consolidated fire department under subsection ~~(a)~~ **(a)(1)** shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

**(k)** Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (j) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

**(l)** Notwithstanding subsections (j) and (k), the consolidated city may not assume all or a part of the indebtedness described in subsection (j) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

**(m)** The rights of the trustee and the bondholders with respect to any:

- (1)** bonds or other indebtedness described in subsection (j); or
- (2)** bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (j);

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a)(1) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

~~(f)~~ **(n)** If the requirements of subsection (g) are satisfied and the fire department departments of an entity ~~the entities~~ listed in subsection ~~(a) is~~ **(a)(1)** are consolidated into the fire department of a consolidated city, the merit board and the merit system of ~~the~~ **each** fire department that is consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

~~(g)~~ **A** township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. ~~A township legislative body may adopt a resolution under this~~

subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(h)~~ **(o)** The following apply if the requirements of subsection ~~(g)~~ are satisfied: **a fire department of an entity listed in subsection (a)(1) is consolidated into the fire department of a consolidated city:**

~~(1)~~ **(1)** The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

~~(2)~~ **(1)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3)~~ **(2)** Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

~~(4)~~ **(3)** For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the ~~township entity~~ whose fire department is consolidated into the fire department of the consolidated city under this section; and (B) is reduced for the ~~township entity~~ whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the ~~township entity~~.

~~(5)~~ **(4)** The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

~~(6)~~ **(5)** The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the ~~township entities listed in subsection (a)~~ are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

~~(7)~~ **(6)** The consolidated city may levy property taxes within the ~~consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department~~ to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may

levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

**(p) For a township that consolidated its fire department with the fire department of the consolidated city before July 1, 2007, this section and IC 6-3.5-6-18.5 apply to the consolidation to the extent this section and IC 6-3.5-6-18.5 do not conflict with:**

**(1) the consolidation ordinances adopted by the consolidated city and the township; or**

**(2) any consolidation agreement between the consolidated city and the township."**

Delete pages 31 through 36.

Page 37, delete lines 1 through 34.

Page 40, delete lines 41 and 42, begin a new paragraph and insert:

"SECTION 27. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 6.4. (a) Except as provided in subsection (c), the legislative body of the consolidated city may adopt an ordinance under section 6.1 of this chapter:**

**(1) consolidating the fire department of a township and any**

1 fire protection territory that is located in the township into  
2 the fire department of the consolidated city; and

3 (2) transferring the duties and responsibilities of the township  
4 assessor of the township to the county assessor;

5 only if a majority of voters in the township who vote in a  
6 referendum under this section votes "yes" on the referendum  
7 question in subsection (b).

8 (b) Except as provided in subsection (c), the question to be  
9 submitted to the voters in each township in the referendum must  
10 read as follows:

11 "Should (insert the name of the township) Township transfer  
12 all duties of the (insert name of township) Township Assessor  
13 to the Marion County Assessor and consolidate the fire  
14 department of (insert name of township) Township with the  
15 Indianapolis Fire Department?"

16 (c) This subsection applies only to Center Township and any  
17 township that consolidated its fire department with the fire  
18 department of the consolidated city before July 1, 2007. The  
19 legislative body of the consolidated city may adopt an ordinance  
20 under section 6.1 of this chapter transferring the duties and  
21 responsibilities of the township assessor of the township to the  
22 county assessor only if a majority of voters in the township who  
23 vote in a referendum under this section votes "yes" on the  
24 following referendum question:

25 "Should (insert the name of the township) Township transfer  
26 all duties of the (insert name of township) Township Assessor  
27 to the Marion County Assessor?"

28 (d) The county legislative body shall act under IC 3-10-9-3 to  
29 certify the question to be voted on at the referendum under this  
30 chapter to the county election board. Each county clerk shall, upon  
31 receiving the question certified by the county legislative body  
32 under subsection (b) or (c), call a meeting of the county election  
33 board to make arrangements for the referendum.

34 (e) The referendum shall be held in the November 2007  
35 municipal election after certification of the question under  
36 IC 3-10-9-3.

37 (f) Not less than ten (10) days before the date on which the  
38 referendum is to be held, the county election board shall cause  
39 notice of the question that is to be voted upon at the referendum to  
40 be published in accordance with IC 5-3-1. Each county election  
41 board shall cause the question certified to the circuit court clerk by  
42 the county legislative body to be placed on the ballot in the form  
43 prescribed by IC 3-10-9-4.

44 (g) Each precinct election board shall count the affirmative  
45 votes and the negative votes cast in the referendum under this  
46 chapter and shall certify those two (2) totals to the county election  
47 board of the county. The circuit court clerk of the county shall,  
48 immediately after the votes cast in the referendum have been

counted, certify the results of the referendum in each township to the appropriate township legislative body and the county legislative body.

(h) If a majority of the voters in a township voted "yes" on the referendum question under subsection (a), the county legislative body may adopt an ordinance consolidating the township fire department and a fire protection territory located within the township with the fire department of the consolidated city under section 6.1(a) of this chapter and transferring the duties of the township assessor to the county assessor. If a majority of the voters in a township voted "yes" on the referendum question under subsection (b), the county legislative body may adopt an ordinance under section 6.1(b) of this chapter transferring the duties of the township assessor to the county assessor.

SECTION 27. IC 36-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The general assembly finds the following:

(1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.

(2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.

(3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

(1) Assessed value.

(2) Exemption.

(3) Owner.

(4) Person.

(5) Personal property.

(6) Property taxation.

(7) Tangible property.

(8) Township assessor

(c) As used in this section, "PILOTS" means payments in lieu of taxes.

(d) As used in this section, "public entity" means any of the following government entities in the county:

(1) An airport authority operating under IC 8-22-3.

(2) A capital improvement board of managers under IC 36-10-9.

(3) A building authority operating under IC 36-9-13.

(4) A wastewater treatment facility.



(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

- (1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;
- (2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3;
- or
- (3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (e). The township assessors **for a township for which an ordinance is not adopted under IC 36-3-1-6.1 after November 1, 2007, or the county assessor (after December 31, 2009) for a township for which an ordinance is adopted under IC 36-3-1-6.1 after June 30, 2009**, shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The public entity may consider these payments to be operating expenses for all purposes.

(i) PILOTS shall be deposited in the consolidated county fund and used for any purpose for which the consolidated county fund may be used.

(j) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(k) PILOTS imposed on a wastewater treatment facility may be paid only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including:

- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded indebtedness;
- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

SECTION 29. IC 36-3-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- (7) Township assessor

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The township ~~assessors~~ **assessor of a township for which an ordinance is not adopted under IC 36-3-1-6.1 or the county assessor (after December 31, 2009) for a township for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007,** shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS

shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law."

Delete pages 41 through 42.

Page 43, delete lines 1 through 38.

Page 45, delete lines 5 through 34, begin a new paragraph and insert:

"SECTION 31. IC 36-3-6-4, AS AMENDED BY P.L.227-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

(1) The director of each department of the consolidated city.

(2) Each township assessor, **if any**, elected county officer, or head of a county agency.

(3) The county clerk, for each court ~~of which he is the clerk~~ **serves.**

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate the officer prepares stating that in the officer's opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies."

Page 48, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 38. IC 36-6-5-3, AS AMENDED BY P.L.162-2006, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including assessment duties prescribed by IC 6-1.1.

**(b) In a township for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007:**

**(1) no township assessor shall be elected in the 2010 general election, and the office of township assessor is eliminated**

1           **December 31, 2010; and**

2           **(2) beginning January 1, 2011, the duties of the township**  
 3           **assessor prescribed by IC 6-1.1 are performed by the county**  
 4           **assessor under IC 36-2-15-5.**

5           SECTION 38. IC 36-6-8-1 IS AMENDED TO READ AS  
 6           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a) Except as**  
 7           **provided in subsection (b), this chapter applies to all townships.**

8           **(b) After December 31, 2009, sections 5, 6, 9, 10, and 11 of this**  
 9           **chapter do not apply to a township for which an ordinance is**  
 10           **adopted under IC 36-3-1-6.1 after November 1, 2007.**

11           SECTION 39. IC 36-6-8-10 IS AMENDED TO READ AS  
 12           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 10. (a) The county  
 13           fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6,  
 14           fix and appropriate money to pay the per diem established under  
 15           section 5 of this chapter and the salaries and per diems of the county's  
 16           township assessors and any deputies or other employees that assist the  
 17           elected township assessor.

18           (b) Each township assessor shall file the budget estimate required  
 19           by IC 36-2-5-5 or, **for a township for which an ordinance is not**  
 20           **adopted under IC 36-3-1-6.1 after November 1, 2007, by**  
 21           IC 36-3-6-4. The budget estimate filed under this subsection must  
 22           include all estimated expenses of the office, including costs incurred  
 23           through litigation for the office.

24           (c) If the township executive is performing the duties of assessor,  
 25           the county fiscal body shall appropriate money for the purposes of  
 26           subsection (a) and other expenses of acting as assessor, including all  
 27           costs incurred through litigation for the office. However, it may not  
 28           provide a salary that is below the amount fixed for that salary for the  
 29           year 1984.

30           SECTION 40. IC 36-7-11.2-11 IS AMENDED TO READ AS  
 31           FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. As used in this  
 32           chapter, "notice" means written notice:

33           (1) served personally upon the person, official, or office entitled  
 34           to the notice; or

35           (2) served upon the person, official, or office by placing the notice  
 36           in the United States mail, first class postage prepaid, properly  
 37           addressed to the person, official, or office. Notice is considered  
 38           served if mailed in the manner prescribed by this subdivision  
 39           properly addressed to the following:

40           (A) The governor, both to the address of the governor's official  
 41           residence and to the governor's executive office in  
 42           Indianapolis.

43           (B) The Indiana department of transportation, to the  
 44           commissioner.

45           (C) The department of natural resources, both to the director  
 46           of the department and to the director of the department's  
 47           division of historic preservation and archeology.

(D) The department of metropolitan development.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, to the "Occupant" at the address of the Meridian Street or bordering property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as the address appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in the offices of the township assessors **for townships for which an ordinance is not adopted under IC 36-3-1-6.1 or the county assessor (after December 31, 2009) for townships for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007**, in Marion County.

(G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 41. IC 36-7-11.2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 58. (a) A person who has filed a petition under section 56 or 57 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

(1) The full name and address of the following:

(A) The petitioner.

(B) Each attorney acting for and on behalf of the petitioner.

(2) The street address of the Meridian Street and bordering property for which the petition was filed.

(3) The name of the owner of the property.

(4) The full name and address of, and the type of business, if any, conducted by:

(A) each person who at the time of the filing is a party to; and

(B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the

notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the offices of the township assessors **for townships for which an ordinance is not adopted under IC 36-3-1-6.1 or the county assessor (after December 31, 2009) for townships for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007**, as of the date of filing are considered determinative of the persons who are owners.

SECTION 42. IC 36-7-15.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected neighborhood associations, residents, ~~and~~ township assessors **for townships for which an ordinance is not adopted under IC 36-3-1-6.1 or the county assessor (after December 31, 2009) for townships for which an ordinance is adopted under IC 36-3-1-6.1 after November 1, 2007**, with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents."

Delete pages 49 through 51.

Page 57, delete lines 11 through 28, begin a new paragraph and insert:

"SECTION 47. IC 36-9-11.1-11 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) All property of  
 2 every kind, including air rights, acquired for off-street parking  
 3 purposes, and all its funds and receipts, are exempt from taxation for  
 4 all purposes. When any real property is acquired by the consolidated  
 5 city, the county auditor shall, upon certification of that fact by the  
 6 board, cancel all taxes then a lien. The certificate of the board must  
 7 specifically describe the real property, including air rights, and the  
 8 purpose for which acquired.

9 (b) A lessee of the city may not be assessed any tax upon any land,  
 10 air rights, or improvements leased from the city, but the separate  
 11 leasehold interest has the same status as leases on taxable real property,  
 12 notwithstanding any other law. Whenever the city sells any such  
 13 property to anyone for private use, the property becomes liable for all  
 14 taxes after that, as other property is so liable and is assessed, and the  
 15 board shall report all such sales to the township assessor, **for**  
 16 **townships for which an ordinance is not adopted under**  
 17 **IC 36-3-1-6.1 or the county assessor (after December 31, 2009) for**  
 18 **townships for which an ordinance is adopted under IC 36-3-1-6.1**  
 19 **after November 1, 2007, who shall cause the property to be upon the**  
 20 **proper tax records."**

21 Page 59, delete lines 8 through 42, begin a new paragraph and  
 22 insert:

23 "SECTION 49. [EFFECTIVE JULY 1, 2007] **For property taxes**  
 24 **first due and payable in 2011, the maximum permissible ad**  
 25 **valorem property tax levy under IC 6-1.1-18.5 of a county having**  
 26 **a consolidated city is increased by the amount levied in 2010 for**  
 27 **assessor and related services by each township in the county for**  
 28 **which an ordinance is adopted under IC 36-3-1-6.1, as amended by**  
 29 **this act.**

30 SECTION 50. [EFFECTIVE JULY 1, 2007] (a) **This section**  
 31 **applies to a county having a consolidated city that adopts an**  
 32 **ordinance for a township under IC 36-3-1-6.1, as amended by this**  
 33 **act.**

34 (b) **Before December 31, 2007, the legislative body of a county**  
 35 **containing a consolidated city shall establish, by a resolution**  
 36 **approved by the county executive, a commission on the**  
 37 **consolidation of township assessors (of townships for which an**  
 38 **ordinance is adopted under IC 36-3-1-6.1, as amended by this act)**  
 39 **provided by IC 6-1.1-1.5, as added by this act, and IC 36-6-5-3, as**  
 40 **amended by this act.**

41 (c) **The commission shall be established January 1, 2008, and**  
 42 **shall terminate December 31, 2009.**

43 (d) **The commission shall:**

- 44 (1) **meet and prepare any reports required in the resolution**
- 45 **establishing the commission; and**
- 46 (2) **make recommendations regarding consolidation of**
- 47 **assessor functions.**

1       **(e) This SECTION expires January 1, 2010.**

2       SECTION 51. [EFFECTIVE JULY 1, 2007] **(a) Beginning on**  
 3       **January 1, 2010, the township assessors of a township (for which**  
 4       **an ordinance is adopted under IC 36-3-1-6.1, as amended by this**  
 5       **act) in a county containing a consolidated city shall:**

6           **(1) assist the county assessor in performing the functions**  
 7           **previously performed by the township assessors; and**

8           **(2) serve as a board to provide advice and counsel to the**  
 9           **county assessor regarding the consolidation of township**  
 10          **assessors provided by IC 6-1.1-1.5, as added by this act, and**  
 11          **IC 36-6-5-3, as amended by this act.**

12       **(b) The county assessor:**

13           **(1) must be a member of and shall chair the board described**  
 14           **in subsection (a)(2); and**

15           **(2) shall call meetings of the board and direct the work of the**  
 16           **board in the county assessor's discretion.**

17       **(c) The board described in subsection (a)(2) terminates**  
 18       **December 31, 2010.**

19       **(d) This SECTION expires January 1, 2011."**

20       Page 60, delete line 1.

21       Renumber all SECTIONS consecutively.

(Reference is to EHB 1568 as printed April 6, 2007.)

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Senator DELPH